

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
February 1, 2005**

Place: Room 119
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Bigelow, Spain, Kenny, Forman, Conze

STAFF ATTENDING: Ginsberg, Keating
COURT REPORTER: Beler

The meeting was called to order at 8:01 p.m. by Mr. Damanti.

PUBLIC HEARING

Mr. Damanti noted that the first two agenda items had been postponed:

Business Site Plan #83-B/Special Permit, Fairfield County Bank, 714 Boston Post Road.

Proposal to raze the existing structures on the premises, construct a new bank building with associated drive-through facilities and parking, and perform related site development activities. The subject properties are located on the southeast side of Boston Post Road, approximately 550 feet northeast of its intersection with Sedgwick Avenue, and is shown on Assessor's Map #16 as Lots #101 and #103, in the DB-1 (and DBR overlay) Zone. *POSTPONED UNTIL FEBRUARY 22, 2005.*

Coastal Site Plan Review #198-A, Flood Damage Prevention Application #216-A, Land Filling & Regrading Application #133-A, Bluff Island, LLC, 23 Butler's Island Road.

Proposing to demolish the existing residence and detached garage; to construct a new residence with garage and swimming pool and spa; and to perform related site development activities within regulated areas. The subject property is located on the south side of Butler's Island Road, approximately 600 feet southeast of its intersection with North Road, and is shown on Assessor's Map #67 as Lot #79, R-1 Zone. *POSTPONED.*

Mr. Damanti then read the next agenda item, and noted that it was a continuation of the public hearing from last week:

Continuation of Public Hearing regarding proposed Amendment to the Darien Zoning Regulations, Special Permit Application #85-C, Stamford Health Systems, 85 Old King's Highway North.

Proposing to amend Sections 210 and 703 of the Darien Zoning Regulations to define Medical Diagnostic Centers and to allow them by Special Permit within the DOR-1 and DOR-5 Zones, and to establish a Medical Diagnostic Center in a portion of the first floor of the existing building at 85 Old King's Highway North. The subject property is located on the south side of Old King's Highway North, approximately 600 feet northeast of its intersection with Brookside Road, and is shown on Assessor's Map #35 as Lot #38, DOR-5 Zone.

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Attorney Bill Hennessey distributed a traffic study and comparison studies of other diagnostic imaging centers in other areas. Mr. Damanti noted that the traffic study supporting this proposed amendment under review were distributed too late for the Commission to read and discuss tonight.

It was noted that the following will be reviewed at the next meeting: 1) Application's conformity with Darien Town Plan of Development; 2) Traffic Impact Evaluation; 3) Proposed text change DOR-5 Zone; 4) Study of tenants around the subject property area.

Mr. Spain asked Mr. Hennessey if the Town Zoning Regulations were amended to define diagnostic imaging center, would he have a problem if the Commission broadened the definition of medical center. Mr. Hennessey replied the applicant would have no objection to this. Mr. Spain asked how these centers were juxtaposed in other places – industrial, shopping, suburban, community center. Mr. Hennessey replied that every community is different.

Ms. Kathleen Silard, Senior Vice President of Operations for Stamford Health Systems, stated that they looked at a variety of different centers for ease of access, size to fit equipment, and convenience and discreteness to community users.

Mr. Damanti then asked if anyone present had any comments or questions. There were none. Mr. Bigelow then made a motion to continue reviewing this application at a public hearing on February 22, 2005 at 8:00 p.m. in Darien Town Hall, and Mr. Conze seconded that motion, which was unanimously approved by the Commission.

Mr. Damanti read the next agenda item:

Business Site Plan #159-A, First County Bank, 1006 Boston Post Road. Proposing to raze the existing buildings and to construct a new bank building with drive-through lane and perform related site development activities. The subject property is located on the southeast side of Boston Post Road approximately 400 feet southwest of its intersection with Center Street, and is shown on Assessor's Map #72 as Lot #10, CBD Zone.

Attorney Wilder Gleason, of Gleason Hill & Ambrette, was present representing First County Bank. Mr. Damanti explained that he had represented the principals of Dolman Properties individually in the past, and stated he would remove himself from voting on this matter, and recuse himself from hearing the application, if the applicant or anyone else interested in the application wished that he recuse himself. Mr. Kenny stated he was involved in the development of this property and would contact Town Counsel regarding his possible need to recuse himself from voting.

Mr. Gleason stated that they did not yet receive the required variance for this project because the Zoning Board of Appeals meeting was canceled. Mr. Spain then made a motion to continue this matter at the February 22, 2005 Planning & Zoning Commission meeting at 8:00 p.m. in Darien Town Hall. Mr. Bigelow seconded that motion, which was unanimously approved by the Commission.

Mr. Damanti read the next agenda item:

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Resubdivision Application #562-A, Robert & Elizabeth Cole, 865 Hollow Tree Ridge Road.

Proposing to create a new two acre building lot out of the existing lot, served by a driveway from Talmadge Hill Road and perform related site development activities. The subject property is located on the west side of Hollow Tree Ridge Road, approximately 210 feet south of its intersection with Talmadge Hill Road, and is shown on Assessor's Map #3 as Lot #81, R-2 Zone.

Attorney Wilder Gleason was present representing Robert & Elizabeth Cole. The Coles have owned this property since 1986. The lot was reconfigured as part of the Elders subdivision. Access is through Hollow Tree Ridge Road, and they own 7.05+/- acres. The land has a main house and a cottage on it. They are proposing to create a two-acre lot on the property with access out to Talmadge Hill Road in New Canaan. New Canaan has approved the proposed curb cut. There is a separate access to the cottage. The wetlands assessment has been updated, and they will not have any construction activity within the 50 foot setback. All Zoning Regulations have been complied with.

Mr. Gleason explained that a variance from the Zoning Board of Appeals was obtained for the access driveway (Calendar No. 56-2004). Also submitted for the record were a copy of the ZBA Resolution, a portion of an Assessor's Map with property highlighted in yellow, and copies of deeds to the property. Police, Fire Department, and EMS personnel will access this residence through Talmadge Hill Road and all have approved said access. The access way is deeded and owned by the Cole family. A roadway was not needed, just an access way. There is water service to the house, but well water is used to water the lawn.

Mr. Kenny asked whether the open space on the property is protected by a conservation easement. Mr. Gleason replied that it was, and it was owned by the people that own the house lot and cottage lot. It is an easement in perpetuity. Mr. Kenny then asked who maintains this open space. Mr. Gleason replied that this was the owner's responsibility, but the Town would monitor it.

Mr. Jay Keillor of Land Engineering Associates Inc., reviewed the evaluation for sewage disposal. There are separate septic systems for each of the four residences, with letters from both New Canaan and Darien approving this. Utilities are from Talmadge Hill Road. Mr. Cole, the owner, stated that the main house and cottage are using existing utilities with no change in current status.

The well on the property stays with the cottage lot. The cottage has separate services from the house and is not connected to it. Mr. Conze then asked about the conduit for the telephone line and whether they would pay taxes to Darien. Mr. Gleason stated that the phone line may have a 966 or New Canaan exchange, but that taxes were paid to Darien and any children would attend Darien schools. Mr. Ginsberg then read aloud the letter from SWRPA regarding this application.

There being no further comments or questions, Mr. Kenny made a motion to close the public hearing on this matter. Mr. Bigelow seconded that motion, which was unanimously approved by the Commission.

Mr. Damanti then read the next agenda item:

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Amendment of Business Site Plan #223, 390 Post Road, LLC, proposed tenant: Roundabout Designer Consignments and Closeouts, LLC, 1089 Boston Post Road. Proposing establish a high-end designer closeout and consignment shop in the space formerly occupied by Norwalk Savings Society. The subject property is located on the northwest side of Boston Post Road approximately 450 feet northeast of its intersection with Leroy Avenue, and is shown on Assessor's Map #73 as Lot #6, CBD Zone.

Attorney Wilder Gleason was present, representing 390 Post Road LLC the owner, and Roundabout Designer Consignments and Closeouts LLC, the proposed tenant.

Mr. Gleason explained that this site is the location of the former Bank of Darien. Roundabout has stores in other locations in Westport, Scarsdale, and Greenwich. The building has a second story mezzanine, and the retail space would be kept the way it was originally when Compleat Angler was there. Mr. Gleason stated that variance for parking and signage was obtained from the ZBA. The proposed tenant, Ms. Laurie Perren, stated that Roundabout is a high-end, consignment shop with designer accessories and clothing. Three employees would work in a 3,000 square foot area, and they are open year-round, with peak seasons in August-September and March-April-May, when they are open on Sundays. Mrs. Forman asked about the volume of consignments coming into the shop. Ms. Perren stated that there are walk-in consignments, usually averaging around six people a day. They are highly selective of clothing accepted, and they stock Chanel, Gucci, and Armani clothing, which are not sold elsewhere in Darien. Their Westport store is very active on the Post Road there, where they have eight parking spaces. Mr. Damanti asked if the eight on-site spaces in Westport were adequate. Ms. Perren replied that yes, they were adequate.

Mr. Bigelow asked if there was clear signage where parking was designated. Mr. Spain questioned specific, marked parking, saying this was contradictory to a shared parking lot. Mr. Gleason stated that if this was a problem, they would not put assigned signage on parking. They are trying to get more "walking" shoppers, and are hoping that customers will not feel they have to drive everywhere to get to each store.

Ms. Myra Palmer-Smith, Manager of Double Exposure, then explained that parking is critical in this area. She also stated that the type of clientele in these stores is "bargain hunters", who spend hours trying on clothing. She does not believe that 1089 Boston Post Road is a good location for Roundabout, because of ongoing parking problems. Mr. Damanti then asked how big her store was. She was not sure.

Mr. Kenny then asked for an average cost transaction in Double Exposure. Ms. Palmer-Smith replied that there were thirty to forty transactions per day, with each sale averaging about \$100 (one hundred dollars). Mrs. Forman asked whether her parking was sufficient. Ms. Palmer-Smith stated that it was not, and that customers park in any and all spaces. With the Red Door Spa there, they will spend even more time in the area. Ms. Palmer-Smith also emphatically stated the danger of crossing Boston Post Road in this location. Mr. Kenny then asked if there was parking in the back of her store. Ms. Palmer-Smith replied that parking was not convenient to the general public and that back area there was unsightly, and only used for parking by employees.

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Erica Jensen, owner of Helen Ainson at 1078 Boston Post Road across the street, also mentioned major problems and concerns. She also stated that business owners did not know of the Zoning Board of Appeals recent approval of a parking variance, nor were they aware of any meeting where this was discussed.

Ms. Jensen said that Helen Ainson has 1200 square feet of space, with four full time employees. She questioned Roundabout's having only two employees in their 3000 square feet of space. Helen Ainson also sells high end dresses and gowns averaging \$500-\$1500, with August-September-October their busy season, as well as November-December for holiday clothing and gifts. Mr. Conze asked Ms. Jensen if she was there when the Compleat Angler was in operation at the subject property. She replied that she was not sure when they were in operation.

Ms. Jensen then went on to explain her concern about parking in this area. She has seen an increase in parking, both in front and back of stores. She does not agree that parking needs would be minimal for the Roundabout Store. She fears that they will park across the street, taking up more spaces in the area adjacent to her store.

Mr. Damanti then asked if anyone from the general public had any further questions. There were none.

Wilder Gleason then stated that Roundabout owners would be willing to get permits for employees to park in the municipally-owned Mechanic and Center Street parking lots. He also stated that they are trying to revitalize this part of town, and that they are entitled to parking for retail use and that 1089 Boston Post Road has always been a retail use space and not a high traffic generator.

Ms. Perren, owner of Roundabout, stated that very high end stores such as hers have fewer customers than stores that sell cheaper goods. There are more shoppers in the stores with the cheaper goods. Helen Ainson sells holidays items and is very busy around holidays. Roundabout does not sell holidays items and is not as busy. She believes that the objections to this application by Helen Ainson and Double Exposure are a competition issue, and not a parking issue.

Mr. Gleason added that Roundabout would use less parking than a bank (the former use on-site) would. Mr. Damanti countered by noting that people would spend less time in a bank. Mr. Conze then stated that with more stores, the more shopping, and that the synergy will be very proactive to all. He does not think competition of stores will be a problem and that parking will always be a problem as it is here and in towns in Westchester County.

Mr. Spain then questions how much space was in this building and how was it going to be used? Mr. Conze then asked about the number of customers Compleat Angler had there in 1991. Mr. Frank Cavolo, owner of Compleat Angler, stated that it had the same intensity of usage as Roundabout would have. Ms. Perren stated that there would be merchandise on two levels with two employees with camera surveillance in the store.

Ms. Palmer-Smith, owner of Double Exposure, at 1090 Boston Post Road, stated she believed that Roundabout will attract more people than anticipated, and that people will be fighting for parking spaces. Mr. Kenny stated that he thought this was a positive. He also stated that signalized

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crosswalks may be needed, and that the Commission may need to pursue this. It might even be an incentive for cars not to use Boston Post Road when I-95 is backed up. Wilder Gleason stated that better signage directing cars to parking would be needed also. Erica Jensen, of Helen Ainson, made a request that the Town should find somewhere to have more municipal parking. Mr. Damanti then stated that this was a balancing act for competing interests. Mr. Gleason stated that notices went out to all owners by the Zoning Board of Appeals of the variance change after discussion on what use is appropriate.

There being no further questions or comments, Mr. Kenny made a motion to close the public hearing on this matter. Mr. Spain seconded that motion, which was unanimously approved by the Commission.

At 9:40 p.m., Mr. Damanti read the next agenda item:

Business Site Plan #236/Special Permit, Ronald Rainone, d/b/a Noroton Tailors & Cleaners, 1918 Boston Post Road. Proposing to establish a dry-cleaning and tailoring business in the space formerly occupied by a drive-in insurance claims office. The subject property is located on the south side of Boston Post Road, approximately 70 feet west of its intersection with Ring's End Road, and is shown on Assessor's Map #51 as Lot #37, NB Zone.

Attorney Joseph Rucci, of Rucci Burnham Carta & Edelberg, was present representing Mr. Ron Rainone, proposed owner of Noroton Tailors & Cleaners. Mr. Rucci stated that his client wished to open a tailoring and cleaning establishment at the above address. He added that a Special Permit is not required for this use. This type of business is compatible with the character of the neighborhood and would not be detrimental. A site study of traffic, and a letter of authorization was given to the Zoning Board of Appeals. There are currently five parking spaces in front of this building which was formerly used as a drive-in for GEICO insurance, a towing/gas station, and a car detailing business.

Mr. Rucci said that the Zoning Board of Appeals Resolution Calendar No. 88-2004 approved specific business hours (7-6 Monday through Friday, 8-5 Saturday, and closed Sunday) and number of employees. There will be no changes to the back of the building. Also approved were four parking spaces for employees inside the building and five spaces outside for customers. The building has venting and firewalls for inside parking. There will be no delivery/van parked on site overnight. Mr. Damanti asked if the van would be stored in the bay overnight if necessary. Mr. Rucci replied that yes it would be.

Mr. Rucci said that the surrounding area is residential with plenty of parking. The applicant's business uses only PureDry Cleaning, an environmentally friendly system with no exhaust, since it is self-contained. He also provides drop-off bags for customers. There would only be cleaning at this facility – shirts are laundered elsewhere, as will be the tailoring of garments. The Book Aid neighbor approves of this new store (letter from Barbara Gardner, President of Book Aid, submitted to Commission by Mr. Rucci), and it was noted that Mr. Rainone is buying and not renting this property.

Mr. Kenny asked if this building had enough space for a dry cleaning establishment. Mr. Rainone explained that there would be a walkway in front of building, he is removing overgrown bushes that

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are there, and he would also install bumpers so vehicles do not hit the building. He stated there would be no employee parking outside, outside parking would be for customers only, and there would be a van there only occasionally.

Mr. Rucci said that the Department of Environmental Protection (DEP) was contacted, but they do not get involved with dry cleaners. Mr. Rainone stated that his PureDry Cleaning system uses a canister which is disposed of once a month by special company and that it is clean and safe to surrounding environment. Mr. Damanti questioned the disposal of canisters. He also asked how many employees Mr. Rainone would have there. Mr. Rainone answered nine in total, although they worked shifts, and would not all be there at once.

Mr. Spain then questioned that since it was a gas station, what was the status of the tanks that were once there. Mr. Rainone replied that a Phase I of the tank situation was done, and that Phase II consisted of working on the old tank partially under the building, which was abandoned. Mr. Rucci then pointed out to the Commission that Mr. Rainone would not be able to finance or buy this property until the Phase II Study is completed.

Mr. Kenny then asked Mr. Rainone how his cleaning establishment would differ from all the others currently in town. Mr. Rainone stated that he was a tailor, he was opening a "neighborhood" cleaner, it was not a "drop" store, and that he had no close competitors in that area. Mr. Damanti then asked whether they were aware of the drainage problems, with resulting ice in wintertime, which is a problem. Mr. Rainone stated that they were aware of this problem and would be addressing it.

Mr. & Mrs. Gaffney, adjacent neighbors on Ring's End Road, were opposed to the opening of this establishment for a number of reasons. They submitted a letter dated February 1, 2005 and read aloud from that letter. They also submitted a number of related documents. They believe a dry cleaning establishment does not fit the needs of the neighborhood, and that odors, vapors, and noise would be a problem and that there were already twelve other dry cleaning establishments currently in Darien. A dry cleaning establishment in a residential neighborhood would cause health, fire, and safety problems and be a nuisance to surrounding neighbors. Mr. Gaffney believes that this store will need more parking spaces than he has requested for size of the building and that a truck picking up hazardous waste should not be allowed to park on a street.

Mr. Gaffney then cited health risks in the PureDry Cleaning system and that it was not as safe as Mr. Rainone said it was. The EPA has cited ozone problems, waste by-products and other "haz-mats" (hazardous materials). What about solvent spillage, improper storage, machine breakdown and human error? Other problems are lint, which is considered a haz-mat, health threats to animals and humans, medical problems and hazards of indoor parking when starting cars with volatile materials in area.

Mr. Gaffney continued by noting other concerns were: volatile materials near an old wooden building, threat to silver maple trees, risk to firefighters, water drainage from a higher building causing water to drain on neighboring property. A traffic study was done citing 13,500 vehicles per day passing in that area, and this has not changed. Backing out of parking spaces causes significant traffic problems in this area. There are not any "walk-ups" for dry cleaning, all customers would drive to the site. There will be constant delivery of cleaning supplies with loud trucks exacerbating traffic problems. On Saturday, there are three churches in the area, and traffic will be competing with

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Saturday services. Chemicals will spill out of open doors of dry cleaners in summer time. There will also be a negative impact of property values in surrounding houses. O.S.H.A. does not enforce regulations for small businesses.

Mr. Gaffney also stated that the Fire Marshal has to approve a second way of egress and that Mr. Rainone is working with the Fire Marshal's requirements at this time.

Mr. Gaffney is asking the Planning and Zoning Commission not to approve this application for all of the above reasons. Mr. Kenny asked Mr. Gaffney when he moved into his house. Mr. Gaffney replied in 1998, when GEICO was there.

Mr. Rucci then introduced Mr. Smith, who is a representative of Metropolitan Laundry Machinery company, who markets the PureDry Cleaning system. Mr. Smith explained that the PureDry system has no fumes or steam to be concerned about. The machinery is spill proof, refrigerated against high temperatures, safety measures are built in, and biodegradable materials are used in case of spillage. It is not a toxic substance. PRC solvents produce VOCs (volatile organic substances) and these could be on clothing previously done by cleaners using the old method.

Mr. Spain had questions on handling of solvents on clothes that were previously pressed. Mr. Smith explained that these solvents are disposed of in steel drums and you get a manifest for them. The waste is then incinerated.

Solvent for PureDry is shipped through UPS, and is not toxic. There is a hose on the machine pump from the machine to can, with added spill prevention. You cannot store this and you cannot overfill machine. It has nitrogen blanketing. You can also put a sprinkler around the machine.

Mr. Damanti asked about the distribution of this dry cleaning equipment. Mr. Smith replied that there are one hundred fifty (150) sold each year.

Mr. Kenny questioned the Material Safety Data Sheet (MSDS), and whether it was a current one. It was a 2003 MSDS. Mr. Kenny also questioned whether UPS would carry this solvent and that he wanted to see a copy of the authorization that they would. Mr. Smith stated they would get an authorization. Mr. Bigelow stated that they would want the most current MSDS, which would be 2004. Mr. Bigelow believed that this public hearing should be kept open and continued until a later date. Mrs. Forman asked Mr. Bigelow what difference/changes regarding the MSDS could make you sway an opinion. Mr. Bigelow said that the Commission should be aware of any new changes.

Mr. Rainone then basically repeated that no steam was vented from this machine and no processed water would go into sewer system.

Mr. David Sullivan was present to answer any questions regarding the submitted traffic report. He said that he observed the Greenwich shop, and found mid-afternoon the heaviest time and there was a maximum of four cars, which may mean that the Greenwich operation was more intense. Mr. Bigelow wanted to know if the Greenwich location was near a train station. Mr. Sullivan replied that it was. Mr. Smith also stated that delivery vans come right up to building and pick up

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within the building, not outside. He added that deliveries are not random, you can arrange deliveries to be as close as possible to the building for delivery purpose.

A motion was made by Mr. Kenny to postpone further review of this application, and continue the public hearing until March 1, 2005 at 8:00 p.m. in Darien Town Hall. That motion was seconded by Mr. Spain and unanimously approved by the Commission. A current MSDS report is to go to the Gaffneys before this March 1st continuation of this public hearing.

GENERAL MEETING

Special Permit Application #66-J, Darien YMCA, 2420 Boston Post Road.

Request for clarification regarding Condition G of January 11, 2005 Adopted Resolution.

Attorney Robert Maslan had submitted a letter dated January 28, 2005 regarding the Darien YMCA. The following discussion was to clarify points on the Adopted Resolution. Among the points covered, was whether the existing fence was to remain or, locating it 7-12 feet, by putting it closer to parking lot. The Planning & Zoning Commission agreed that this should be left to the Planning & Zoning Department to clarify. Mr. Atkinson was present to discuss these points with the Commission. Mr. Ginsberg will send a letter to Mr. Maslan noting the Commission's clarification regarding whether the existing board fence is to remain, and the desired location of a board fence 7-12 feet from the edge of the parking, with the final location to be determined in the field.

Discussion, deliberation and possible decision on the following items:

Special Permit Application #117-D, Noroton Presbyterian Church, 2011 Boston Post Road.

Proposing to increase the maximum number of nursery school children allowed from 139 to 155 (an increase from 16 to 32 children for the Tot Drop service). The subject property is located on the northwest corner formed by the intersection of Boston Post Road and Noroton Avenue, and is shown on Assessor's Map #43 as Lots #3, #4 and #5, in the R-1/3 Zone.

Mr. Spain made a motion to grant this application. Mr. Bigelow seconded that motion. It passed by a vote of 5-0, with Mr. Conze abstaining, since he was not at the public hearing. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
February 1, 2005**

Application Number: Special Permit Application #117-D

Street Address: 2011 Boston Post Road
Tax Assessor's Map #43 Lots #3, #4, & #5

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Name and Address of Applicant: The Noroton Presbyterian Church
2011 Boston Post Road
Darien, CT 06820

Name and Address of
Applicant's Representative: Barbara Geraghty
Director of Children's Ministry
c/o Noroton Presbyterian Church
2011 Boston Post Road
Darien, CT 06820

Activity Being Applied For: Proposing to increase the maximum number of nursery school children allowed from 139 to 155 (an increase from 16 to 32 children for the Tot Drop service).

Property Location: The subject property is located on the northwest corner formed by the intersection of Boston Post Road and Noroton Avenue.

Zone: R-1/3

Date of Public Hearing: January 25, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: January 13 & 20, 2005

Newspaper: Darien News-Review

Date of Action: February 1, 2005

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
February 10, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use is described in detail in the application, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following review of the submitted application materials and related analyses, the Commission finds:

1. The proposed activity involves an increase in the maximum number of nursery school children allowed from 139 to 155 (an increase from 16 to 32 children for the Tot Drop service). Tot

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Drop is a flexible babysitting service. The required State of Connecticut permit has been obtained for this activity. The Tot Drop service is open 8:00 a.m. to 5:30 p.m. Monday through Friday.

2. There are no changes proposed to any other church buildings, facilities and/or activities on-site, and no other proposed changes to other Special Permit activities on this property.
3. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
4. The nature of the proposed use is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
5. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #117-D is hereby granted as requested and subject to the foregoing and following stipulations, modifications and understandings:

- A. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- B. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- C. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation within one (1) year of this action (January 31, 2006). This may be extended as per Section 1009.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action, or this approval shall become null and void.

Land Filling & Regrading Application #24-A, Friends of Woodland Park, Woodland Park, 41 West Avenue. Proposing to dredge Turtle Pond, repair its embankment, leave the dredged organic material east of the pond, and perform related site development activities. The subject property (Woodland Park) is located on the south side of Middlesex Road, directly across from its intersection with Laurel Lane, and is shown on Assessor's Map #24 as Lot #41, in the R-1/2 Zone.

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Mr. Bigelow made a motion to approve this application. Mrs. Forman seconded that motion, which was approved by a vote of 5-0, with Mr. Conze abstaining, since he was not at the public hearing on this matter. The adopted resolution reads as follows:

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ADOPTED RESOLUTION
February 1, 2005**

Application Number: Land Filling and Regrading Application #24-A

Street Address: Woodland Park, 41 West Avenue
Assessor's Map #24 Lot #41

Name and Address of Applicant: Friends of Woodland Park
10 Forest Road
Darien, CT 06820

Name and Address of Property Owner: Town of Darien
2 Renshaw Road
Darien, CT 06820

Name and Address of
Applicant's Representative: Dot Kelly
6 Lake Drive
Darien, CT 06820

Activity Being Applied For: Proposing to dredge Turtle Pond, repair its embankment, leave the dredged organic material east of the pond, and perform related site development activities.

Property Location: The subject property (Woodland Park) is located on the south side of Middlesex Road, directly across from its intersection with Laurel Lane.

Zone: R-1/2 Zone

Date of Public Hearing: January 25, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: January 13 & 20, 2005

Newspaper: Darien News-Review

Date of Action: February 1, 2005

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
February 10, 2005

Newspaper: Darien News-Review

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The Commission has conducted its review and findings on the bases that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed activities are described in detail in the application, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to dredge Turtle Pond, repair its embankment, leave the dredged organic material east of the pond, and perform related site development activities. As noted in the application materials, the goal of this project is to restore Turtle Pond as a natural habitat and to revitalize this scenic feature of Woodland Park. The contractor has estimated that there are approximately 200 cubic yards of wet sediment to be removed, and placed east of the pond. Some trees will be removed as part of this project. The project is scheduled to be implemented in July 2005.
2. The Environmental Protection Commission (EPC) approved this project on December 1, 2004 as part of EPC #115-2004. That approval is hereby incorporated by reference.
3. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
4. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling and Regrading Application #24-A is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. The dredging, filling and regrading shall be in accordance with the information submitted to the Commission entitled, "Woodland Park: Dredging Turtle Pond, Repairing the Embankment and placing and vegetating the sediment".
- B. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- C. Sediment and erosion controls shall be installed to properly manage storm water runoff and to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior

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to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

- D. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- E. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- F. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (January 31, 2006). This may be extended as per Sections 858 and 1009.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action, or this approval shall become null and void.

Approval of Minutes

January 11, 2005 General Meeting

Corrections were made to the minutes of the January 11 meeting. Mr. Damanti made a correction that the Chairman did not make a motion. Mr. Ginsberg will correct the minutes accordingly. Mrs. Forman made a motion to approve the January 11, 2005 meeting minutes as amended, and Mr. Spain seconded that motion, which was unanimously approved.

Any Other Business (requires two-thirds vote of Commission)

Mr. Kenny noted that he had distributed a number of items to Commission members regarding SWRPA, and the possibility of the change to become a Council of Governments (COG).

There being no other business, the meeting was adjourned at 11:30 P.M.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director